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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixtieth session

Summary record (partial)* of the 1290th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 25 February 2015, at 3 p.m.

Chairperson: Ms. Hayashi

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fourth periodic report of Kyrgyzstan (continued) (CEDAW/C/KGZ/4; CEDAW/C/KGZ/Q/4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Kyrgyzstan took places at the Committee table.*

2. **Mr. Erkin** (Kyrgyzstan) said that his delegation had no comment on the proposed amendments to article 20 of the Convention, which were currently under consideration.

Articles 10 to 14 (continued)

3. **Ms. Osmonova** (Kyrgyzstan) said that there was no provision concerning sexual harassment in the workplace under either the Criminal Code or the Administrative Code. It was a matter of concern to the Ministry of Internal Affairs and the draft law on gender equality contained an item on the establishment of a working group that would assess the existing legislation, including the possibility of adopting a provision on sexual harassment. Article 131 of the Criminal Code did, however, contain a provision on coercion to engage in acts of a sexual nature, which was punishable by up to 2 years' imprisonment.

4. **Ms. Eshkhodzhaeva** (Kyrgyzstan) said that Kyrgyzstan had a national strategy and legislation covering sexual and reproductive health, but insufficient funding was available. A programme to provide women and children with care before and after the birth was, however, available. She noted that Kyrgyzstan was one of the first countries to adopt the childbirth criteria of the World Health Organization (WHO), not because it hoped to resolve the problem of premature babies but in order to obtain accurate statistics; and that objective had been achieved. Whereas, in the 1990s and 2000s, Kyrgyz statistics on maternal and infant health had differed significantly from international statistics, they were currently almost identical. Since 2000, maternal mortality had decreased by at least a factor of 1.5, or even halved; and the numbers were still dropping. In 2010, there had been 55 deaths per 100,000 births, but that figure had fallen to 46 per 100,000.

5. Many problems relating to infant and maternal health were not medical in nature but indicators of a country's economy and the situation of women within that economy. A number of investigations had been carried out, on the basis of which an integrated plan had been drawn up and submitted to the United Nations and the Ministry of Finance with a view to dealing with a number of weaknesses that had been identified relating to reproductive choice, antenatal care, perinatal care and emergency obstetrical care. It had been impossible to allocate funds exclusively to the integrated plan, but a number of elements of the plan had been covered by another programme and the Ministry of Health had joined forces with the Ministries of Education and Social Development, along with international organizations, to work in schools, teaching adolescent girls about reproductive health and children generally about leading a healthy way of life. Family medical centres had opened offices, with assistance from non-governmental organizations (NGOs), in 12 locations across the country to provide young people with information and support on sexual and reproductive health. A bill had been introduced on the initiative of individual members of parliament, on sexual and reproductive health, which had gone through its first reading, following extensive discussion.

6. With regard to antenatal and birth facilities, the country's infrastructure was, as the Committee had noted, inadequate, owing to a lack of funds. It was, however, planned to build perinatal centres in provincial and regional centres over the next two to three years, with support from international organizations, and tenders to that end had been put out.

Other action facilitated by international organizations was the training of medical staff: owing to the low salaries in Kyrgyzstan, trained staff tended to go to the Russian Federation or Kazakhstan. Another problem was the imbalance between the number of doctors in towns, which was adequate, and in rural areas, which was not.

7. An independent survey had shown that 25 per cent of cases of maternal mortality in 2012–2015 had causes that were not medical. Many of the women concerned had been migrants who had been in poor physical condition in any case, victims of domestic violence or on drugs, for whom pregnancy had been counterindicated. The results of the survey could be found on the website of the Ministry of Health.

8. Child and infant mortality was a different issue. Kyrgyzstan had not achieved Millennium Development Goal 4, but it was among the 15 countries on the way to achieving it. Even without adequate funds, the situation could be ameliorated by taking action on common childhood diseases or breastfeeding. The Government had adopted an intersectoral strategy entitled "Health 2020", putting in place, in partnership with the relevant ministries and local government, preventive measures to improve mother and child health at the level of the family, the community and society at large. The national strategy on sexual and reproductive health had been established in 2008 and, out of seven priority areas, the most important at that time had been safe motherhood and reproductive choice. Some success had been achieved in that regard. The Government was currently focusing on tackling cancer. With support from international organizations, NGOs and other sponsors, oncological centres had been set up and three mammographs had been installed. Screening had also started for cervical and uterine cancer.

9. **Ms. Arocha Domínguez** said that she would like to hear further details of the draft law on sexual and reproductive health. She wondered whether the bill also dealt with HIV/AIDS monitoring, sexuality and lesbian, gay, bisexual, transgender and intersex (LGBTI) rights. As elected representatives, members of parliament might be swayed more easily by local culture and customs, and the stigmas associated with sexual issues.

10. **Mr. Bruun** asked whether parental leave was available for women in the informal as well as the formal sector. Secondly, he asked whether the Government was considering the ratification of the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).

11. **Ms. Nadaraia** said that, according to her understanding, the health units in many villages had been closed. Facilities for giving birth had consequently suffered. She asked whether any research had been done into the problems arising from the closure of such units.

12. **Ms. Eshkhodzhaeva** (Kyrgyzstan) said that the draft law dealt not only with birth matters but also with sexual and reproductive health, surrogate motherhood, family planning and, indeed, all aspects of a woman's life from girlhood to motherhood. There had been a stormy debate on the bill, but it had passed and would have its second reading in March 2015. HIV/AIDS was dealt with in a separate law, so it would not be covered by the new bill.

13. With regard to the closure of maternity units, the health reforms and lack of funds had meant that choices had had to be made. Some units remaining from the Soviet time had had to close because the mobile doctors on whom they relied were no longer available. In the remoter areas, there would be only one medical worker, with no heating or hot or cold water to deal with 50 to 60 births per year and maternal mortality had been higher as a result. There had been wide consultation over six months about which units should close and which should remain open. The information heard by Ms. Nadaraia doubtless came from one of the groups campaigning to keep various units open. The Government was aware of the problem, however, and had set up an ambulance service.

14. **Mr. Kuikeev** (Kyrgyzstan) said that the Government had not yet considered whether to ratify the ILO Domestic Workers Convention. The delegation would convey the Committee's views to the relevant ministry.

15. **Ms. Beisheeva** (Kyrgyzstan) said that any member of a family, not just the husband, could get leave at the time of a birth. Those working in the informal sector, however, were not able to obtain parental leave.

16. **Ms. Osmonova** (Kyrgyzstan) said that she could provide the Committee with new data on article 131 of the Criminal Code. In 2013–2014, there had been four cases of sexual harassment and in every case criminal proceedings had been instituted.

17. **Ms. Arocha Domínguez** said that she understood from the delegation's opening statement that, as of the beginning of 2014, more than 69,000 people, of whom 65 per cent were women, were in receipt of pensions and she asked how far such pensions met their needs, given that, according to the periodic report, more than 9,000 people lived alone and were in financial difficulties. The report did not say how many of those were women. She asked what help was available if a pension was insufficient or if the woman concerned was treated badly by her family. In that connection, she asked what strategy the Government had for suicide prevention.

18. She asked whether women had access to property, land or loans, in reality rather than by law. She also noted that, according to the report, there were no restrictions on women's access to leisure activities, but the reality was that they were the ones who looked after children, disabled persons and elderly persons. The Government should do more to change attitudes in order to enable women to benefit from cultural or leisure activities.

19. **Ms. Gabr** said that more should be done to address the difficulties of rural women, who made up 67 per cent of the nation's women. She was concerned at the incidence of malnutrition and the lack of basic services, such as sanitation and water. She, too, was concerned about women's real access to land. She asked what plans there were to improve their lot. Elderly women were often paid smaller wages and sometimes they were dispossessed. She also said that she was concerned about the situation of migrant women. She wondered whether they received adequate support from the country's consular service. If they were illegal migrants abroad, they risked suffering great exploitation. Lastly, she asked whether it was true that women from minority groups had limited employment opportunities and a lack of facilities.

20. **Ms. Beisheeva** (Kyrgyzstan) said that the State recognized the difficulties faced by rural women, which had been exacerbated by the economic crisis; a number of programmes had been introduced in 2013 in order to ameliorate their economic prospects and to enable them to access resources. Kyrgyzstan was reliant on the rural economy and giving access to land would provide rural women with development opportunities. A first national conference on rural women organized by the Government had produced a resolution which called on the parliament to improve conditions for them.

21. Rural women were given particular attention under the new National Action Plan for Gender Equality for 2015–2017, which highlighted issues such as their economic and political rights and access to justice. Women entrepreneurs contributed to the economy of the country and ways and means were being found to support their work, including through implementation of the Beijing Declaration and Platform for Action. The position of rural women had been strengthened and they were able to contribute to the economic life of their villages through the committees responsible for pasture management and use.

22. **Mr. Erkin** (Kyrgyzstan) said that the protection of all citizens of Kyrgyzstan, including migrant workers living abroad, was a top priority of his Government. Women were a particularly vulnerable category of migrant worker, since they were more likely to

fall victim to human trafficking and sexual slavery. The Government was endeavouring to increase the number of consular services to protect its citizens, particularly throughout the Russian Federation, and those services were working in close cooperation with the relevant international organizations. Legal assistance was provided to citizens in foreign countries in cases of divorce where custody of children was more likely to be granted to a non-Kyrgyz partner by a foreign court.

23. **Ms. Beisheeva** (Kyrgyzstan) said that statistics provided by the Ministry of Labour, Employment and Migration showed that 16,500 rural women out of a total population of 33,900 had been in employment in 2012, while in 2014, 17,300 rural women out of a total population of 34,300 had been in employment. A Government programme that provided construction jobs to the unemployed had employed 6,753 persons in 2014, of whom 1,565 were women. Some 1,500 women had received vocational training and 246 women had received microcredits.

24. **Mr. Kuikeev** (Kyrgyzstan), turning to the question of ethnic minorities, said that there were not enough places for children in preschools. Children were accepted into preschool on the basis of the number of places available regardless of their ethnic background.

25. Elderly persons in Kyrgyzstan were protected by laws, social assistance was provided to them in their homes and minimum standards were set concerning the food and care provided to those living in State institutions. Local day-care centres had been set up for the elderly. Social payments were made to elderly persons who did not receive a pension. As at 1 December 2014, there were more than 900 social workers providing services to elderly persons, including persons with disabilities. The social strategy for the period 2015–2017 included social insurance for those working in the informal sector and improvements in the quality of life and employment prospects of older people.

26. **Ms. Gabr** said that she was very concerned to learn that elderly women had been deprived of their property and she wished to know whether remedies had been found for that problem.

27. **Ms. Arocha Domínguez** said that she was concerned to learn that girls from migrant and ethnic minority families might be denied access to an education if they did not possess an identity card; girls should be allowed to attend school even if they did not have a formal status in the country.

28. **Ms. Beisheeva** (Kyrgyzstan) said that the problem concerning access to education for children who did not have an identity card was not confined to ethnic minorities. The authorities were currently engaged in collecting biometric data and streamlining the process of issuing identity documents to all citizens of Kyrgyzstan.

29. **Ms. Osmonova** (Kyrgyzstan) said that some elderly and vulnerable persons had been targeted by criminals who had cheated them of their property, particularly in the wake of the collapse of the Soviet Union. However, law enforcement authorities now responded promptly in such cases, especially where the victims were frail or elderly, and ensured that their property was returned to them.

30. **Ms. Eshkhodzhaeva** (Kyrgyzstan) said that the registry of newborn infants which had been introduced in Kyrgyzstan over some five years was being integrated into the population registry, which would obviate the need to present identity cards. Mothers and fathers who were not in possession of identify cards were issued ones when a child was born and health services were provided on the basis of available records.

Articles 15 and 16

31. **Ms. Halperin-Kaddari**, referring to the status of transgender persons, said that she understood that there was no official procedure allowing for changing gender on official documents in Kyrgyzstan although a law allowed for such change provided a certificate of change of sex issued by a medical institution was presented. However, the procedure was not possible since such certificates had not been approved by the Government and therefore transgender persons were often placed in very vulnerable situations. Intolerance and violence towards sexual minorities appeared to be growing.

32. Turning to the very disturbing question of bride kidnapping, she understood that legislative changes had taken place but wished to learn whether the Government intended to adopt a comprehensive plan of action in order to combat the phenomenon. Bride kidnapping occurred for economic reasons but also for reasons of gender stereotyping, which called for an educational programme not just for the judiciary but for society as a whole. She wished to know why the law that provided that official marriages must be carried out before religious marriages had not been applied in the cases of girls who had been kidnapped. She asked whether other ways could be found to protect women who found themselves in informal and unrecognized marriages, in particular with regard to economic issues. The Family Code ensured the rights of women on an equal basis with men but it appeared that women in unregistered marriages could not benefit from that law.

33. She wished to know whether women in registered marriages were aware of their rights, including the equal division of property where it was in the best interests of the children. Was legal aid available for women in family matters and did the State party have any research concerning the economic situation of women with children following divorce?

34. **Ms. Eshkhodzhaeva** (Kyrgyzstan) said that a procedure had been established by the Government, in partnership with international organizations, which would allow transgender persons to obtain identity documents following presentation of a medical certificate. There had been some resistance on the part of local authorities to the idea of change in gender and a wider process of consultation would be completed before the procedure was fully implemented.

35. **Ms. Beisheeva** (Kyrgyzstan) said that bride kidnapping had been frequent in the past, but the introduction of stricter penalties had fostered a change in attitudes; women also felt more secure in coming forward to seek justice.

36. Concerning religious marriages, a working group had been formed to draft a bill on religious freedom, which would include a requirement for all religious marriages to be registered. Awareness-raising campaigns would be launched through the media, in partnership with non-governmental organizations, in order to inform women of their rights in relation to family law.

37. **Ms. Halperin-Kaddari** asked whether women were able to obtain free legal aid in family matters.

38. **Ms. Leinarte** said that detailed statistics concerning the number of kidnapped brides were needed. She asked whether the 60 per cent of marriages in rural areas that were unregistered could be considered to originate from bride kidnapping.

39. **Ms. Halperin-Kaddari** said that she understood that a law was pending but wondered whether there was any possibility in the meantime to safeguard the economic rights of women in unregistered marriages. The problem was recognized in general recommendation No. 29 in which the Committee called on States parties to abolish unregistered marriages but also to protect women in such marriages.

40. **Ms. Beisheeva** (Kyrgyzstan) said that a centre providing free legal advice was available for women and other vulnerable groups in the capital and in other major towns and cities throughout Kyrgyzstan. The figure of 60 per cent of unregistered rural marriages was out of date; bride kidnapping had been considered a traditional custom but it was now recognized as a crime that was dealt with through the justice system. Although the practice continued, it was in decline. Religious marriages, which restricted the human and economic rights of women, was among the themes that would be addressed in conjunction with violence against women in the National Action Plan for Gender Equality for 2015–2017.

41. **The Chairperson** thanked the delegation for their constructive dialogue with the Committee, which had provided further insight into the situation of women and girls in Kyrgyzstan, and encouraged the State party to take all necessary measures to address the various recommendations of the Committee.

The discussion covered in the summary record ended at 4.25 p.m.